

Ordinance No. 121918

Council Bill No. 115353

AN ORDINANCE vacating a portion of 14th Avenue South, south of East Marginal Way South, on the petition of the Boeing Company and the BOC Group, Inc., accepting an easement for utility purposes and a Property Use and Development Agreement, in relation hereto, (C.F. 304764).

CF No. _____

Date Introduced:	AUG 15 2005	
Date 1st Referred:	AUG 15 2005	To: (committee) TRANSPORTATION
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: 7-0	
Date Presented to Mayor:	Date Approved: 9/22/05	
Date Returned to City Clerk:	Date Published: 2Pp.	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action

9/13/05 - passed unanimously
(Conlin, Baumgardner)

9-19-05 Passed 7-0 (Absent: Sten

This file is complete and ready for presentation to Full Council.

Law Department

nonrequired not

Law Dept. Review

OMP
Review

☒
City Clerk
Review

me
The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Richard Conlin

Councilmember

Committee Action:

*9/13/05 - passed unanimously - 3-0 yes,
Conlin, Basmussen, Gorden*

9-19-05 Passed 2-0 (Absent: Steenbroeck; Excused: Conlin)

This file is complete and ready for presentation to Full Council.

Committee:

RC 9/13/05
(initial/date)

Law Department

Law Department

Law Dept. Review

OMP
Review

(X)
City Clerk
Review

(Signature)
Electronic
Copy Loaded

Indexed

MoirGray/mjg
SDOT14SoStVacOrd
June 29, 2005
version 1

121918
~~121818~~
ORDINANCE

1
2
3 AN ORDINANCE vacating a portion of 14th Avenue South, south of East Marginal Way South,
4 on the petition of the Boeing Company and the BOC Group, Inc., accepting an easement
5 for utility purposes and a Property Use and Development Agreement, in relation herein,
6 (C.F. 304764).

7 WHEREAS, the Boeing Company and the BOC Group Inc., has filed a petition to vacate a
8 portion of 14th Avenue South; and

9 WHEREAS, following a public hearing on the petition, held on December 17, 2002, the petition
10 was conditionally granted; and

11 WHEREAS, the City Council approved the petition pursuant to certain conditions including
12 protection of utilities and access requirements; and

13 WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 15.62,
14 the petitioner has paid the City a vacation fee of \$78,500, which amount is one-half the
15 appraised value of the property approved for vacation, according to an appraisal obtained
16 by the Director of Transportation; NOW, THEREFORE,

17 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

18 Section 1. The portion of the unplatted 14th Avenue South right-of-way in Government
19 Lot 13, Section 29, Township 24 North, Range 4 East, W.M., in the City of Seattle, King County,
20 Washington, lying south of the southwesterly margin of East Marginal Way South; except that
21 portion thereof vacated under City of Seattle Vacation Ordinance No. 81046 filed on June 3,
22 1952, is hereby vacated; also RESERVING to the City of Seattle the right to make all necessary
23 slopes for cuts or fills upon the above-described property in the reasonable original grading of
24 any rights-of-way abutting upon said property after said vacation.

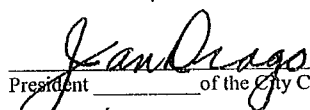
25 Section 2. The easement, King County Recording Number 20040825000160, a copy
26 attached hereto as Attachment A, is hereby accepted.
27
28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

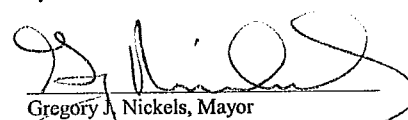
Section 3. The Property Use and Development Agreement, King County Recording
Number 20040920000453, a copy attached hereto as Attachment B, is hereby accepted.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after
its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

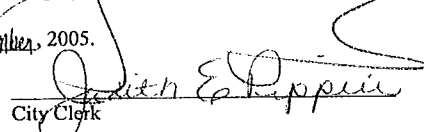
Passed by the City Council the 19th day of September, 2005, and signed by me in open
session in authentication of its passage this 19th day of September, 2005.


President _____ of the City Council

Approved by me this 22nd day of September, 2005.


Gregory J. Nickels, Mayor

Filed by me this 23rd day of September, 2005.


City Clerk

(Seal)

Attachment A: SDOT Utility Easement
Attachment B: Property Use and Development Agreement

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Seattle Department of Transportation

Gregory J. Nickels, Mayor

Grace Crunican, Director

FILED
CITY OF SEATTLE
2005 OCT -3 AM 10:35
CITY CLERK

Date: October 3, 2005
To: Edna Wheaton, Information Services, City Clerk's Office
From: Moira Gray, Seattle Department of Transportation Street Vacation Office
Subject: Official Document for Filing

Attached for filing with the City Clerk are a Property Use and Development Agreement executed on behalf of the City of Seattle in the matter of the right-of-way vacation of a portion of 14th Avenue South, Clerk File 304764 and Ordinance 121918. Please file where appropriate.

Please let me know if you have any questions or need more information. I can be reached at 684-8272. Thank you.

Attachment: Property Use and Development Agreement, King County Recording Number 20040920000453.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Traffic Permits, 700 5th Avenue, Suite 3768, PO Box 34996, Seattle, WA 98124-4996
Tel: (206) 684-5086, TTY/TDD (206) 684-4009, FAX: (206) 684-5085

Internet address: <http://www.seattle.gov/transportation>

An equal opportunity employer. Accommodations for people with disabilities provided on request.

When Recorded, Return to:
Seattle Department of Transportation
700 Fifth Avenue -- Suite 3900
P.O. Box 34996
Seattle, WA 98124-4996

Attention: Moira Gray



20040920000453

BOEING
PAGE 001 OF 005 AG 24.00
09/20/2004 11:26
KING COUNTY, WA

CITY CLERK

2005 OCT -3 AM 10:35

FILED
CITY OF SEATTLE

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor:	1) <u>The Boeing Company</u>
<input type="checkbox"/> Additional on page _____	
Grantee:	1) <u>City of Seattle</u>
<input type="checkbox"/> Additional on page _____	
Legal Description (abbreviated):	Unplatted 14th Avenue South right-of-way in Government Lot 13, Section 29, Township 24 North, Range 4 East, W.M., in the City of Seattle, King County, Washington, lying south of E. Marginal Way So.
<input checked="" type="checkbox"/> Additional on page:	<u>4</u>
Assessor's Tax Parcel ID #:	Subject area to become part of tax parcel no. 002200-0005.
Reference Nos. of Documents Released or Assigned:	_____

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a municipal corporation (herein "City"), by The Boeing Company (herein "Boeing")

WITNESSETH:

WHEREAS, Boeing is, or is expected to be, vested in fee simple title in the real property situated in King County, Washington, described on Exhibit 1 hereto (herein called the "Property"); and

WHEREAS, Boeing filed a petition (C.F. 304764) for the vacation of a portion of 14th Avenue South pursuant to Chapter 35.79 of the Revised Code of Washington and Seattle Municipal Code Chapter 15.62; and

WHEREAS, the Transportation Committee of the Seattle City Council held a public hearing on the street vacation petition on December 17, 2002; and

WHEREAS, the Seattle City Council granted approval of the street vacation petition, subject to conditions on January 13, 2003; and

WHEREAS, execution of a Property Use and Development Agreement is desired to ensure compliance with two on-going conditions of the vacation approval subsequent to passage of the vacation ordinance;

NOW, THEREFORE, Boeing hereby covenants, bargains and agrees on behalf of itself, its successors and assigns:

Section 1. Addressed below are those two conditions of the vacation approval that require on-going responsibility of Boeing, and could not, therefore, be met prior to passage of the vacation ordinance.

- A. No new, relocated or redesigned access gate may be installed closer to East Marginal Way South than the existing Gate B-60 without prior approval from Seattle Department of Transportation.
- B. Vacated 14th Avenue South shall continue to provide access to property owners on both sides of the street as provided for in the appropriate easement or easements recorded in this matter.

Section 2. The legal description of the Property in Exhibit 1 hereto is incorporated herein by this reference. An executed copy of this Property Use and Development Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

PRICE

Section 3. This Property Use and Development Agreement is made for the benefit of the City and the public. The City may institute and prosecute any proceeding at law or in equity to enforce this Property Use and Development Agreement.

Section 4. It is further expressly agreed that in the event any covenant or condition or restriction in this instrument or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction.

DATED this 14th day of Sept. 2004.

THE BOEING COMPANY

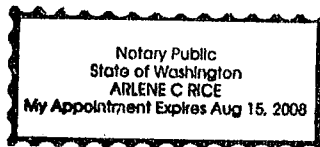
By: Colt Hill
Title: Authorized Signatory

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this _____ day, personally appeared before me Collette M. Tennant to me known to be the Proced. Secretary of The Boeing Company, a Delaware corporation, the corporation that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that s/he was duly authorized to execute said instrument on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of September, 2004.



Arlene C Rice
Arlene C Rice
(print or type name)
NOTARY PUBLIC in and for the State of
Washington residing at Renton WA
My Commission expires: Aug 15, 2008

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EXHIBIT A

Legal Description

All that portion of the unplatted 14th Avenue South right-of-way in Government Lot 13, Section 29, Township 24 North, Range 4 East, W.M., in the City of Seattle, King County, Washington, lying south of the southwesterly margin of East Marginal Way South, except that portion thereof vacated under the City of Seattle Vacation Ordinance No. 81046 filed on June 3, 1952.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Recording Requested By And
When Recorded Mail To

Loren Raynes
Seattle Department of Transportation
700 Fifth Avenue -- Suite 3900
P.O. Box 34996
Seattle, WA 98124-4996



20040825000160

LESLEY NISHIMO EAS 24 00
PAGE 001 OF 008
08/25/2004 08:38
KING COUNTY, WA

TRAFFIC SIGNAL FACILITIES EASEMENT

Reference #s of Documents Released
or Assigned:

Grantor(s)

Grantee(s)

Legal Description (abbreviated)

None

The Boeing Company

The City of Seattle

Pt of Government Lot 13, Section 29, Township 24
North, Range 4 East, Pt of Street Right of Way to be
vacated

Assessor's Tax Parcel ID#

Portion of vacated street adjoining 002200-0005

The Grantor, **The Boeing Company**, insofar as it has rights or title, or any hereafter acquired rights or title, for and in consideration of ONE and NO/100THS DOLLARS (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby conveys to **THE CITY OF SEATTLE** (Grantee or the "City"), a municipal corporation of the State of Washington, a nonexclusive easement for traffic signal conduits, loop detector wires, and associated field wires (hereinafter, referred to as "Traffic Signal facilities") over, under, across and along the real property in King County, Washington depicted on Exhibit A (the "easement area"), such easement area being within the real property legally described on Exhibit B attached hereto.

- 1 Such easement is for the purposes of operating, maintaining and repairing the Traffic Signal facilities, all on the following terms and conditions
- 2 Grantee or its agents shall have the right, without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon said easement area for work consistent with the purposes herein described, without incurring any legal obligation or liability therefor, provided that such work shall be accomplished in such a manner that the private improvements existing in said working area shall not be disturbed or destroyed, or

Geocode 36-004

Page 1 of 6 pages

EXCISE TAX NOT REQUIRED
King Co Records Division

By *Paul Brada* Deputy

ATTACHMENT A

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in the event that they are disturbed or destroyed, they shall be repaired or replaced in as good condition as they were immediately before the property was entered upon by the City.

3. Grantor shall have the right to use said property for any legal purpose not inconsistent with the rights herein granted.
4. Grantor hereby agrees that no building, fence, wall, rockery, trees, shrubbery or construction of any kind shall be erected or planted, or any fill material placed (collectively "Improvements") within the boundaries of said easement area without the express written permission of the City of Seattle's Director of Transportation, and that no excavation shall be made within three feet of said Traffic Signal facilities, provided, however, Grantor may maintain and regrade the easement area so long as Grantor provides Grantee advance written notice of any regrading and does not disrupt the operation of the Traffic Signal facilities (including, without limitation, actively changing the elevation of the existing pavement containing the referenced loop detector wires), without the prior consent of Grantee, which consent shall not be unreasonably withheld. In the event that express written permission for any Improvement is granted by Grantee to Grantor, (a) all such Improvements shall be installed at the Grantor's sole risk and expense; (b) Grantee shall have the right to notify Grantor that Grantee needs removal or alteration of any such Improvement for access to said Traffic Signal facilities; and (c) Grantee and Grantor shall, in such case, in good faith develop a plan for such Improvement consistent with the purposes of this easement and as reasonable terms as practicable for Grantor.
5. Grantor hereby agrees that no other utility facilities, such as conduits, cables, pipelines, vaults, poles, posts, whether public or private, will be installed within three (3) horizontal feet of the existing Traffic Signal facilities. All crossings must maintain a minimum vertical clearance of 12 inches from said Traffic Signal facilities.
6. Grantor also grants to Grantee, its agents or assigns, the use of such additional area within twenty feet of the edge of said easement area as shall be reasonably required for the construction, reconstruction, maintenance and operation of said Traffic Signal facilities within said easement area, the use of such additional area to be held to a minimum and such additional area to be returned to a condition as good as it was in immediately before such additional area was entered upon by Grantee or its agents as contemplated in this paragraph 6.
7. Except to the extent that hazardous substances, pollutants or contaminants result from Grantee's operations or the actions of any of Grantee's employees, agents, contractors, or subcontractors in connection with this Easement, Grantor waives any present or future claim against the City relating to hazardous substances, pollutants, or contaminants, and shall indemnify and defend the City from any such claim, including enforcement action by

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a regulatory agency, provided that Grantee has timely notified Grantor of any such claim and cooperates with Grantor as appropriate in any such defense.

- 8 The conveyance and grant hereunder are conditioned on the City being responsible, as provided by law, for any damage resulting from its negligence in the installing, constructing, erecting, altering, improving, repairing, energizing, operating and maintaining of said Traffic Signal facilities across, over, upon and under said easement area and adjacent lands.
- 9 The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee, its successors or assigns, shall permanently remove all said Traffic Signal facilities or shall otherwise permanently abandon said Traffic Signal facilities, at which time all such rights, title, privileges and authority hereby granted shall terminate
- 10 The terms and conditions of this Easement shall be covenants running with the land, and shall burden and benefit the Grantor, the Grantee, and their respective successors and assigns in interest. The rights and obligations of the Grantee shall inure to its successors in interest under this Easement Agreement

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written

Dated this _____ day of _____, 2004.

THE BOEING COMPANY

By: Coll [Signature]
Authorized Signatory

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STATE OF WASHINGTON

County of King

ss.

GIVEN under my hand and official seal the day and year last above written.

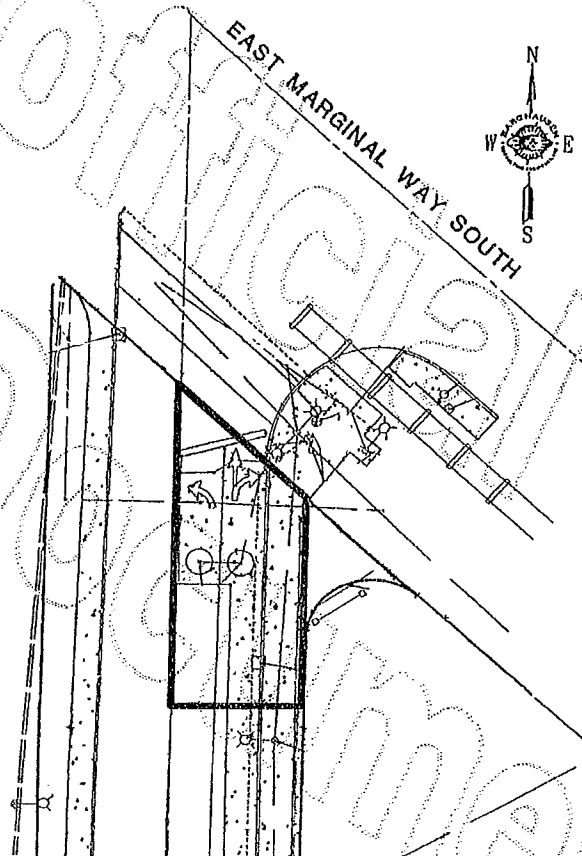
I certify that I know or have satisfactory evidence that Colin M. Jensen signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Arlene C. Rice
Notary (print name) Arlene C. Rice
Notary Public in and for the State of Washington,
residing at Benton
My Appointment expires Aug 15, 2008



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ATTACHMENT A
TRAFFIC SIGNAL FACILITIES EASEMENT
EXHIBIT A - DEPICTION OF EASEMENT AREA



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ATTACHMENT B
TRAFFIC SIGNAL FACILITIES EASEMENT
EXHIBIT B – LEGAL DESCRIPTION OF PROPOSED STREET VACATION

AN EASEMENT AREA 40 FEET IN WIDTH HAVING 20 FEET OF SUCH WIDTH ON EACH SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS.

THE CENTERLINE OF GRANTEE'S FACILITIES AS CONSTRUCTED LYING WITHIN THE BELOW DESCRIBED REAL PROPERTY.

ALL THOSE PORTIONS OF 14TH AVENUE SOUTH, IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, KING COUNTY, WASHINGTON, LYING SOUTHERLY OF THE SOUTHERLY MARGIN OF EAST MARGINAL WAY SOUTH AND LYING NORTHERLY OF CITY OF SEATTLE STREET VACATION ORDINANCE NO. 81046, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY MARGIN OF EAST MARGINAL WAY SOUTH WITH THE WEST MARGIN OF 14TH AVENUE SOUTH; THENCE SOUTH 01°01'49" WEST ALONG SAID WEST MARGIN, A DISTANCE OF 543.35 FEET TO THE NORTH LINE OF SAID CITY OF SEATTLE VACATION ORDINANCE NO. 81046; THENCE SOUTH 88°06'22" EAST ALONG SAID NORTH LINE, A DISTANCE OF 60.01 FEET TO THE EAST MARGIN OF 14TH AVENUE SOUTH; THENCE NORTH 01°01'49" EAST ALONG SAID EAST MARGIN, A DISTANCE OF 458.92 FEET TO THE BEGINNING OF A 15.00-FOOT RADIUS CURVE TO THE RIGHT, THENCE ALONG THE ARC, DISTANCE OF 34.32 FEET TO THE SOUTHERLY MARGIN OF EAST MARGINAL WAY SOUTH AND A POINT OF CUSP; THENCE NORTH 47°52'11" WEST ALONG SAID SOUTHERLY MARGIN, A DISTANCE OF 112.61 FEET TO THE POINT OF BEGINNING

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When Recorded, Return to:
Seattle Department of Transportation
700 Fifth Avenue - Suite 3900
P.O. Box 34996
Seattle, WA 98124-4996
Attention: Moira Gray



20040920000453

BOEING
PAGE 001 OF 005
09/20/2004 11:26
KING COUNTY, WA 24.00

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PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor:	1) The Boeing Company
<input type="checkbox"/> Additional on page _____	
Grantee:	1) City of Seattle
<input type="checkbox"/> Additional on page _____	
Legal Description (abbreviated):	Unplatted 14th Avenue South right-of-way in Government Lot 13, Section 29, Township 24 North, Range 4 East, W.M., in the City of Seattle, King County, Washington, lying south of E. Marginal Way So.
<input checked="" type="checkbox"/> Additional on page: 4	
Assessor's Tax Parcel ID #:	Subject area to become part of tax parcel no. 002200-0005.
Reference Nos. of Documents Released or Assigned:	

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a municipal corporation (herein "City"), by The Boeing Company (herein "Boeing")

WITNESSETH:

WHEREAS, Boeing is, or is expected to be, vested in fee simple title in the real property situated in King County, Washington, described on Exhibit 1 hereto (herein called the "Property"); and

WHEREAS, Boeing filed a petition (C.F. 304764) for the vacation of a portion of 14th Avenue South pursuant to Chapter 35.79 of the Revised Code of Washington and Seattle Municipal Code Chapter 15.62; and

WHEREAS, the Transportation Committee of the Seattle City Council held a public hearing on the street vacation petition on December 17, 2002; and

WHEREAS, the Seattle City Council granted approval of the street vacation petition, subject to conditions on January 13, 2003; and

WHEREAS, execution of a Property Use and Development Agreement is desired to ensure compliance with two on-going conditions of the vacation approval subsequent to passage of the vacation ordinance;

NOW, THEREFORE, Boeing hereby covenants, bargains and agrees on behalf of itself, its successors and assigns:

Section 1. Addressed below are those two conditions of the vacation approval that require on-going responsibility of Boeing, and could not, therefore, be met prior to passage of the vacation ordinance.

- A. No new, relocated or redesigned access gate may be installed closer to East Marginal Way South than the existing Gate B-60 without prior approval from Seattle Department of Transportation.
- B. Vacated 14th Avenue South shall continue to provide access to property owners on both sides of the street as provided for in the appropriate easement or easements recorded in this matter.

Section 2. The legal description of the Property in Exhibit 1 hereto is incorporated herein by this reference. An executed copy of this Property Use and Development Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property.

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Section 3. This Property Use and Development Agreement is made for the benefit of the City and the public. The City may institute and prosecute any proceeding at law or in equity to enforce this Property Use and Development Agreement.

Section 4. It is further expressly agreed that in the event any covenant or condition or restriction in this instrument or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction.

DATED this 14th day of Sept, 2004.

THE BOEING COMPANY

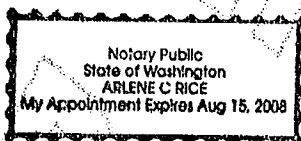
By: Celt [Signature]
Title: Authorized Signatory

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me Collette M. Teaming to me known to be the Authorized Signatory of The Boeing Company, a Delaware corporation, the corporation that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that s/he was duly authorized to execute said instrument on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of September, 2004.



Arlene C. Rice
(print or type name)
NOTARY PUBLIC in and for the State of
Washington, residing at Kenston WA
My Commission expires: Aug 15, 2008

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EXHIBIT A

Legal Description

All that portion of the unplatted 14th Avenue South right-of-way in Government Lot 13, Section 29, Township 24 North, Range 4 East, W.M., City of Seattle, King County, Washington, lying south of the southerly margin of East Marginal Way South, except that portion vacated under the City of Seattle Vacation Ordinance No. 81046 in 1952.

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Moira Gray
6/29/05
SDOT 14th Ave S Vac Ord Fiscal Note
Version #2

Form revised December 9, 2004

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Moira Gray 684-8272	Jennifer Devore 615-1328

Legislation Title:

AN ORDINANCE vacating a portion of 14th Avenue South, south of East Marginal Way South, on the petition of the Boeing Company and the BOC Group, Inc., accepting an easement for utility purposes and a Property Use and Development Agreement, in relation herein, (C.F. 304764).

• **Summary of the Legislation:**

This Council Bill completes the vacation process for a portion of 14th Avenue South, accepts a utility easement for traffic facilities that will remain in the vacated area and accepts a Property Use and Development Agreement as required by the conditions of the City Council approval of the vacation petition.

• **Background:** (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

This is the second and final step in the vacation process for this portion of right-of-way. The vacation was sought to allow for access and transport of equipment and materials related to the aircraft industry. The City Council approved the vacation petition with conditions regarding the protection of utilities and configuration of the area after the vacation. The petitioners have satisfied all of the conditions:

- Executed easements for existing utilities and access to adjoining lots,
- Executed an agreement regarding the location of the entrance gates to the area.

• **Please check one of the following:**

☒ **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

Although this legislation does not accept or appropriate funds, the Seattle Department of Transportation received a vacation fee of \$78,500 in October of 2004, which was deposited in the Street Vacation Fund at that time.

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

July 19, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

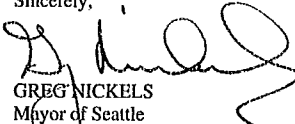
Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill that vacates a portion of 14th Avenue South on the petition of the Boeing Company and the BOC Group, Inc. The petitioners sought and received approval for the vacation to consolidate property and improve access between adjacent facilities. The required conditions have been satisfied and this is the final step in the vacation process.

The vacation of this portion of 14th Avenue South supports the significant and unique nature of operations for Boeing and the BOC Group, and allows the transfer of equipment and material between the adjacent building complexes without unduly impacting transportation on East Marginal Way South. In addition, the vacation provides public benefits through the petitioners' participation in the development of the Ox Bow Park playground and improved signage in the surrounding industrial and South Park area.

Thank you for your consideration of this legislation that furthers our goals of supporting and expanding industrial activity. Should you have questions, please contact Moira Gray at 684-8272.

Sincerely,



GREG NICKELS
Mayor of Seattle

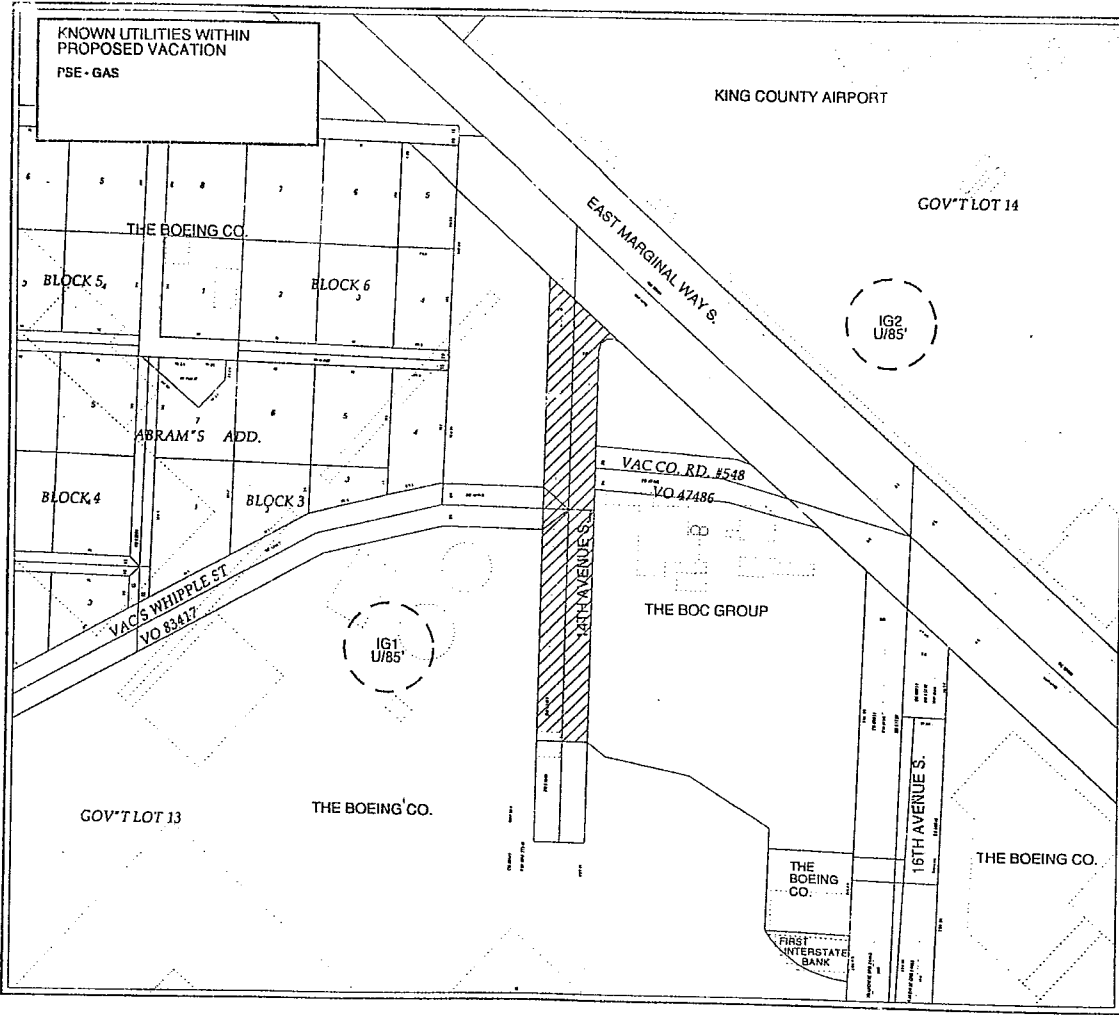
cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@seattle.gov

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S
Scale: 1" = 150'

2656
PROPOSED VAC

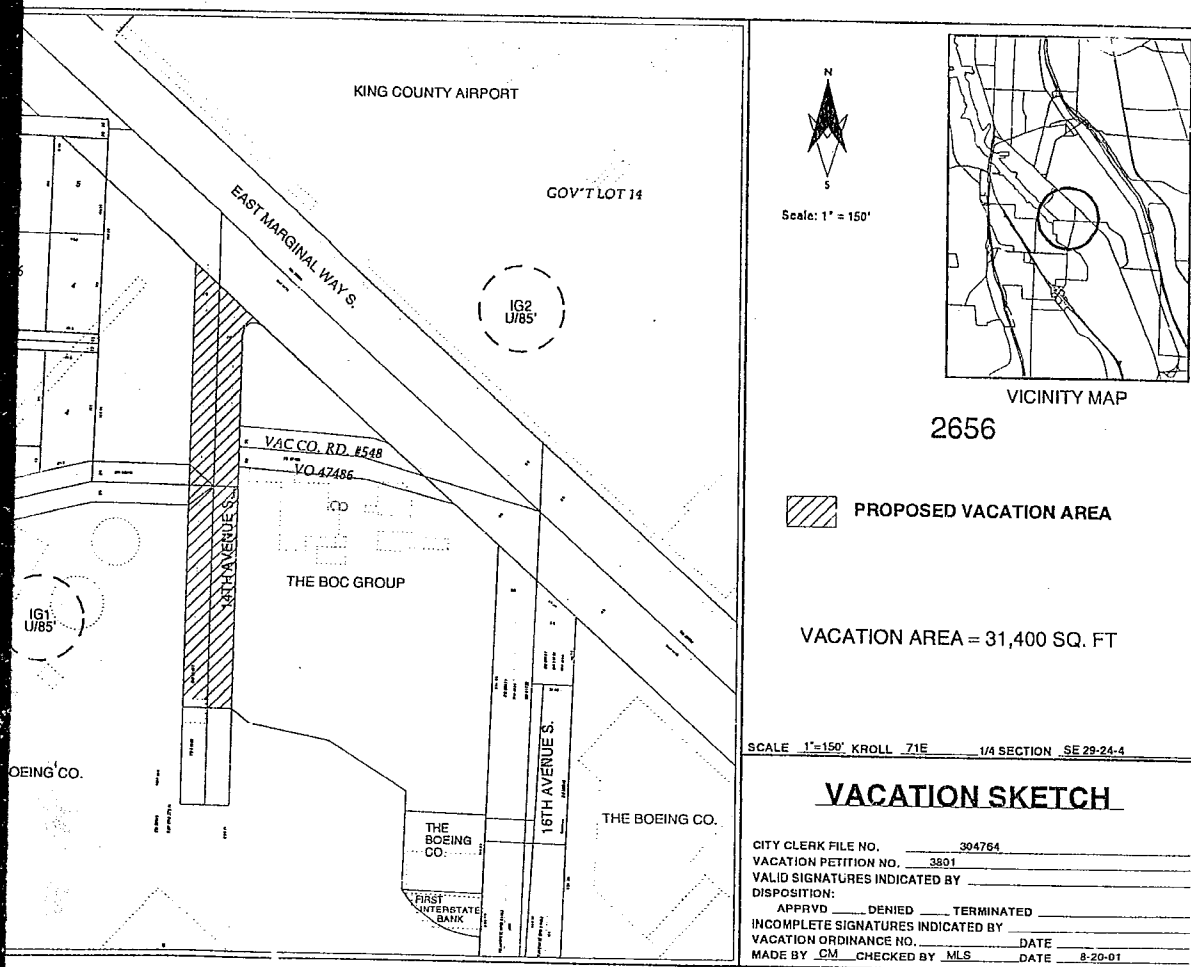
VACATION AREA = 3

SCALE 1"=150' KROLL 71E 1/4

VACATION S

CITY CLERK FILE NO. 30476
 VACATION PETITION NO. 3801
 VALID SIGNATURES INDICATED BY _____
 DISPOSITION: APPROVD _____ DENIED _____ TERMIN _____
 INCOMPLETE SIGNATURES INDICATED BY _____
 VACATION ORDINANCE NO. _____
 MADE BY CM CHECKED BY MLS

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Return Address:

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



20060601000049

SEATTLE CITY CLERK
PAGE 001 OF 003
05/01/2005 08:47
KING COUNTY, WA 34.00

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

Document Title(s) (or transaction contained therein): (Insert Ordinance or Resolution Number Here)

1. Ordinance No. 121918

AN ORDINANCE vacating a portion of 14th Avenue South, south of East Marginal Way South, on the petition of the Boeing Company and the BOC Group, Inc., accepting an easement for utility purposes and a Property Use and Development Agreement, in relation herein, (C.F. 304764).

Grantor(s)

- ☐ 1.City of Seattle
☐ Additional names on page ___ of document.

Grantee(s) Public (Last name first, then first name and initials)

- ☐ 1.N/A
☐ 2.
☐ 3.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional reference #'s on page ___ of document

☐ N/A

Assessor's Property Tax Parcel/Account Number

- #
☐ Assessor Tax # not yet assigned.
☐ N/A

g:\Forms\Recorder Cover.doc

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FILED
CITY OF SEATTLE
MAY 23 AM 10:01
CITY CLERK

COPY

MoirGray/mjg
SDOT14SoStVacOrd
June 29, 2005
version 1

121918
~~121816~~
ORDINANCE

2 AN ORDINANCE vacating a portion of 14th Avenue South, south of East Marginal Way South,
3 on the petition of the Boeing Company and the BOC Group, Inc., accepting an easement
4 for utility purposes and a Property Use and Development Agreement, in relation herein,
(C.F. 304764).

5 WHEREAS, the Boeing Company and the BOC Group Inc., has filed a petition to vacate a
6 portion of 14th Avenue South; and

7 WHEREAS, following a public hearing on the petition, held on December 17, 2002, the petition
8 was conditionally granted; and

9 WHEREAS, the City Council approved the petition pursuant to certain conditions including
10 protection of utilities and access requirements; and

11 WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 15.62,
12 the petitioner has paid the City a vacation fee of \$78,500, which amount is one-half the
13 appraised value of the property approved for vacation, according to an appraisal obtained
by the Director of Transportation; NOW, THEREFORE,

14 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

15 Section 1. The portion of the unplatted 14th Avenue South right-of-way in Government
16 Lot 13, Section 29, Township 24 North, Range 4 East, W.M., in the City of Seattle, King County,
17 Washington, lying south of the southwesterly margin of East Marginal Way South; except that
18 portion thereof vacated under City of Seattle Vacation Ordinance No. 81046 filed on June 3,
19 1952, is hereby vacated; also RESERVING to the City of Seattle the right to make all necessary
20 slopes for cuts or fills upon the above-described property in the reasonable original grading of
21 any rights-of-way abutting upon said property after said vacation.

22 Section 2. The easement, King County Recording Number 20040825000160, a copy
23 attached hereto as Attachment A, is hereby accepted.



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1 Section 3. The Property Use and Development Agreement, King County Recording
2 Number 20040920000453, a copy attached hereto as Attachment B, is hereby accepted.

3 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
6

7 Passed by the City Council the 19th day of September, 2005, and signed by me in open
8 session in authentication of its passage this 19th day of September 2005.
9

10 J. Andrago
11 President of the City Council

12 Approved by me this 22nd day of September

13 G. J. Nickels
14 Gregory J. Nickels, Mayor
15

16 Filed by me this 23rd day of September, 2005.

17 J. E. Pippin
18 City Clerk
19

20 (Seal)

21 Attachment A: SDOT Utility Easement

22 Attachment B: Property Use and Development Agreement
23
24
25
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27
28



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STATE OF WASHINGTON - KING COUNTY

--SS.

190496
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

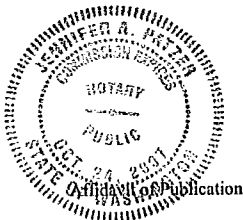
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121918 ORD IN FULL

was published on

10/03/05

The amount of the fee charged for the foregoing publication is the sum of \$ 106.00, which amount has been paid in full.



Subscribed and sworn to before me on
10/03/05
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121918

AN ORDINANCE vacating a portion of 14th Avenue South, south of East Marginal Way South, on the petition of the Boeing Company and the BOC Group, Inc., excepting an easement for utility purposes and a Property Use and Development Agreement, in relation hereto, (C.F. 341701).

WHEREAS, the Boeing Company and the BOC Group Inc., has filed a petition to vacate a portion of 14th Avenue South; and

WHEREAS, following a public hearing on the petition, held on December 17, 2002, the petition was conditionally granted; and

WHEREAS, the City Council approved the petition pursuant to certain conditions including protection of utilities and access requirements; and

WHEREAS, pursuant to Section 35.79.020, RCW, and Seattle Municipal Code Chapter 15.82, the petitioner has paid the City a vacation fee of \$78,649, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The portion of the unplatted 14th Avenue South right-of-way in Government Lot 13, Section 39, Township 24 North, Range 4 East, W.M., in the City of Seattle, King County, Washington, lying south of the southwesterly margin of East Marginal Way South; except that portion thereof vacated under City of Seattle Vacation Ordinance No. 81046 filed on June 2, 1952, is hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. The easement, King County Recording Number 20040825000160, a copy attached hereto as Attachment A, is hereby accepted.

Section 3. The Property Use and Development Agreement, King County Recording Number 20040920000453, a copy attached hereto as Attachment B, is hereby accepted.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 19th day of September, 2005, and signed by me in open session in authentication of its passage this 19th day of September, 2005.

Jan Drago

President of the City Council

Approved by me this 22nd day of September, 2005.

Gregory J. Nickels, Mayor

Filed by me this 23rd day of September, 2005.

(Seal) Judith Pippin

City Clerk

Attachment A: SDOT Utility Easement

Attachment B: Property Use and Development Agreement

See City Clerk for Attachments

Publication ordered by JUDITH PIPPIN,

City Clerk

Date of publication in the Seattle Daily Journal of Commerce, October 3, 2005.

10/3(190496)

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Records, Elections and Licensing Services Division

Recorder's Office

ADM-ES-0311

King County Administration Building

500 Fourth Avenue, Room 311

Seattle, WA 98104

CITY OF SEATTLE

JUN 29 AM 10:01

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